

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
ex rel

Full name & prison number
(if any) of Petitioner

NO. _____

v.

Name of Respondent

(PERSONS IN FEDERAL CUSTODY)

PETITION FOR WRIT OF HABEAS CORPUS

Instructions - READ CAREFULLY

1. In order for this petition to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten), and the unsworn declaration signed by the petitioner. It shall set forth in concise form the answers to each applicable question. If necessary, petitioner may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

2. Any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

3. When the petition is completed, the original and three copies shall be mailed to the Clerk, United States District Court, Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pa. 18501.

If you are unable to pay the \$5.00 filing fee for this action, you may petition the court to proceed in forma pauperis. Two blank petitions for this purpose are included in this packet. One copy should be filed with your complaint; the other copy is for your records.

1. Place of detention _____
2. Name and location of court which imposed sentence _____

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) _____
 - (b) _____
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) _____
 - (b) _____
 - (c) _____
5. Check whether a finding of guilty was made
 - (a) after a plea of guilty _____
 - (b) After a plea of not guilty _____
 - (c) after a plea of nolo contendere _____
6. If you were found guilty after a plea of not guilty, check whether that finding was made by
 - (a) a jury _____
 - (b) a judge without a jury _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list

(a) the name of each court to which you appealed:

i. _____

ii. _____

iii. _____

(b) the result in each such court to which appealed:

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

(d) if known, citations of any written opinions or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) _____

(b) _____

(c)

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a)

(b)

(c)

11. Have you filed previous petitions for habeas corpus motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction:

12. If you answered "yes" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof:

1. _____

ii. _____

iii. _____

(b) the name and location of the court in which each was filed.

1. _____

ii. _____

iii. _____

(c) the disposition thereof.

1. _____

ii. _____

iii. _____

(d) the date of each such disposition:

1. _____

ii. _____

iii. _____

(e) If known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

13. If you did not file a motion under Section 2255 of Title 28 United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

(a)

(b)

(c)

14. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under Section 2255 of Title 28, United States Code, or any other petition, motion or application:

15. If you answered "yes" to (14), identify

(a) which grounds have been previously presented:

i. _____

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea: _____

(b) your trial, if any: _____

(c) your sentencing: _____

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence?

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed:

17. If you answered "yes" to one or more parts of (16), list

(a) the name and address of each attorney who represented you:

i. _____

ii. _____

iii. _____

(b) the proceedings at which each such attorney represented you:

i. _____

ii. _____

iii. _____

18. If you are seeking leave to proceed in forma pauperis, have you completed the unsworn declaration setting forth the required information (see instructions, page 1 of this form).

Executed at _____
Name of institution, city, state

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
Date

Signature of Petitioner